

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY****REGION II****290 BROADWAY****NEW YORK, NEW YORK 10007-1866**VIA FAX and FIRST CLASS MAIL

March 20, 2009

Francis J. Giantomassi
Giantomassi Oliviera Law Offices
292 Lafayette Street
Newark NJ 07105

Re: Raritan Bay Slag Superfund Site
1720-22-24 Highway 35 (Block 551, Lots 1 and 1.01
Sayreville, Middlesex County, New Jersey

Dear Mr. Giantomassi:

Enclosed is a Consent For Access to Property form that the U.S. Environmental Protection Agency ("EPA") requests your client, Auwite Construction Co., sign and return to EPA. As you know, EPA has been investigating the Raritan Bay Slag Superfund Site (the "Site") and anticipates performing a removal action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. Section 9601 et seq., at the Site. The Site includes your client's property. EPA seeks written consent from the owner to perform the removal activities at the property referenced above.

CERCLA was enacted to facilitate the prompt cleanup of hazardous waste sites. One of EPA's tools for a prompt and effective response action is the access and information gathering authority of Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e). That authority may be exercised by EPA for the broadly defined purpose of "taking any response action under [CERCLA], or otherwise enforcing the provisions of [CERCLA]. 42 U.S.C. Section 9604(e) (1), (3).

Once EPA determines that grounds for entry exist, its rights include entry at reasonable times to determine the need for a response or to implement a response action. 42 U.S.C. Section 9604(e) (3) (D). EPA seeks a property owner's consent for access before performing these response actions. If a party will not consent to access, EPA has enforcement options under Section 9604(e) (5) (B) of CERCLA.

Please have the enclosed form signed and returned to me no later than close-of-business on Wednesday, March 25, 2009. A faxed copy, followed by the mailed original would be acceptable. My fax number is 212-637-3096.

If you have any questions regarding this matter, please call me at 212-637-3149.

Very truly yours,

Deborah Schwenk
Assistant Regional Counsel

Enclosure